

APPROVED: /L.M./

**RESPONSE UNDER 37 C.F.R. § 1.116
EXPEDITED PROCEDURE REQUESTED
EXAMINING GROUP 3611
PATENT**

Attorney Docket No. 2100.0082

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
)	
Timothy M. JOHNS et al.)	Group Art Unit: 3611
)	
Application No.: 10/781,629)	Examiner: Yeagley, Daniel S.
)	
Filed: February 20, 2004)	Confirmation No.: 4131
)	
For: LIFTING SYSTEMS AND)	Mail Stop AF
METHODS FOR USE WITH A)	
HITCH MECHANISM)	

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

AMENDMENT AFTER FINAL

In reply to the Final Office Action mailed December 6, 2007, the period for response having been extended through May 6, 2008 by a request for extension of two months and fee payment filed concurrently herewith, and pursuant to 37 C.F.R. § 1.116, Applicant proposes that this application be amended as follows:

Amendments to the Claims begin on page 2 of this Amendment.

Remarks begin on page 8 of this Amendment.

AMENDMENTS TO THE CLAIMS:

This listing of claims will replace all prior versions and listings of claims in the application:

1. (Canceled)
2. (Currently Amended) The lifting system of claim 4 19, wherein the raise/lower member engages and supports a structure coupled with the hitch mechanism.
3. (Previously Presented) The lifting system of claim 2, wherein the raise/lower member includes at least a portion configured under the structure coupled with the hitch mechanism to support the structure.
4. (Currently Amended) The lifting system of claim 4 19, wherein the raise/lower member is attached with the hitch mechanism.
- 5-7. (Canceled)
8. (Currently Amended) The lifting system of claim 4 19, wherein the raise/lower member is attached with the intermediate mechanism.
9. (Currently Amended) The lifting system of claim 8 19, ~~wherein the raise/lower member includes a plurality of leg portions, a horizontal member that has a first end attached with a first leg portion and a second end attached with a second leg portion, and a first lever member attached with the horizontal member, wherein the first lever member is provided with an opening;~~

wherein the intermediate mechanism includes a second attachment mechanism, wherein each of the pair of linkage bars is provided with a second opening proximal to a

lower end thereof, and wherein the second attachment mechanism includes at least a second bolt and a second nut; and

wherein the link member is attached with the raise/lower member by inserting the second bolt through the second opening of each of the pair of linkage bars and the opening of the first lever member, and then securing the second bolt with the second nut.

10. (Canceled)

11. (Currently Amended) The lifting system of claim ~~40~~ 9, wherein movement of the handle member moves the intermediate mechanism to move the raise/lower member.

12-14. (Canceled)

15. (Currently Amended) The lifting system of claim ~~44~~ 11, wherein the hitch mechanism couples a structure to a vehicle, wherein movement of the handle member in a direction outward from the vehicle moves the intermediate mechanism in a downward direction to lower the raise/lower member.

16. (Currently Amended) The lifting system of claim ~~43~~ 15, wherein the hitch mechanism couples a structure to a vehicle, wherein movement of the handle member in a direction inward toward the vehicle moves the intermediate mechanism in an upward direction to raise the raise/lower member.

17-18. (Canceled)

19. (Currently Amended) A lifting system for use with a hitch mechanism, comprising:

a raise/lower member;

an intermediate mechanism, attached to the raise/lower member at a first end and attached to a control at a second end, to move the raise/lower member ~~at a first~~ between a lower position and an upper position; said control causing the intermediate mechanism to move the raise/lower member from one position to the other; and

a biasing member having a spring,

wherein the raise/lower member includes a plurality of leg portions, a horizontal member that has a first end attached with a first leg portion and a second end attached with a second leg portion, and a lever member attached with the horizontal member, wherein the lever member is provided with an opening; and

wherein an end of the spring is inserted through the opening of the lever member to attach the spring with the raise/lower member.

20. (Original) The lifting system of claim 19, wherein the spring is attached with the raise/lower member to provide a biasing force of pulling the raise/lower member in an upward direction.

21-33. (Canceled)

34. (Previously Presented) A hitch mechanism including a lifting system, said hitch mechanism comprising:

a first handle member;

a coupling member;

a first linkage mechanism for linking the first handle member and the coupling member, wherein the first handle member is capable of being moved in order to raise and lower the coupling member; and

a biasing member comprising a spring having a first end and a second end; and

wherein the lifting system comprises:

a second handle member;

a raise/lower member; and

a second linkage mechanism attached to the raise/lower member at a first end and attached to the second handle member at a second end, said second linkage mechanism being configured to link the second handle member and the raise/lower member, wherein the second handle member is capable of being moved in order to raise and lower the raise/lower member;

wherein the raise/lower member includes a plurality of leg portions, a horizontal member that has a first end attached with a first leg portion and a second end attached with a second leg portion, and a lever member attached with the horizontal member, wherein the lever member is provided with an opening; and

wherein the second end of the spring is inserted through the opening of the lever member to attach the spring with the raise/lower member.

35. (Original) The hitch mechanism of claim 34, wherein the second end of the spring is attached with the raise/lower member to provide a biasing force of pulling the raise/lower member in an upward direction.

36-52. (Canceled.)

53. (New) The hitch mechanism of claim 19, wherein said control further includes a handle member, said handle member comprising an opening and being attached to the intermediate mechanism;

wherein the intermediate mechanism includes at least a link member and a first attachment mechanism, said link member includes a pair of linkage bars, each of the

pair of linkage bars being provided with a first opening proximal to an upper end thereof, and wherein the first attachment mechanism includes at least a first bolt and a first nut; and

wherein the link member is attached with the handle member by inserting the first bolt through the first opening of each of the pair of linkage bars and the opening of the handle member, and then securing the first bolt with the first nut.

54. (New) The hitch mechanism of claim 20, wherein said control further includes a handle member, said handle member comprising an opening and being attached to the intermediate mechanism;

wherein the intermediate mechanism includes at least a link member and a first attachment mechanism, said link member includes a pair of linkage bars, each of the pair of linkage bars being provided with a first opening proximal to an upper end thereof, and wherein the first attachment mechanism includes at least a first bolt and a first nut; and

wherein the link member is attached with the handle member by inserting the first bolt through the first opening of each of the pair of linkage bars and the opening of the handle member, and then securing the first bolt with the first nut.

55. (New) The lifting system of claim 53, wherein the raise/lower member engages and supports a structure coupled with the hitch mechanism.

56. (New) The lifting system of claim 55, wherein the raise/lower member includes at least a portion configured under the structure coupled with the hitch mechanism to support the structure.

57. (New) The lifting system of claim 53, wherein the raise/lower member is attached with the hitch mechanism.

58. (New) The lifting system of claim 53, wherein the raise/lower member is attached with the intermediate mechanism.

REMARKS

In the Final Office Action dated December 6, 2007, the Examiner objected to claim 15 for depending from a canceled claim; rejected claims 1-4, 8-16, 21-31, and 36-52 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,389,058 to Cadwell ("Cadwell"); and allowed claims 19, 20, 34, and 35.

By this Amendment, Applicant has amended claim 19 to correct a typographical error, has amended claims 2, 4, 8, 9, 11, 15, and 16 to depend from allowable claim 19, has canceled claims 10, 13, 21-31, and 36-52 without prejudice, and has added new claims 53-58, which depend either directly or indirectly from allowable claim 19. Accordingly, claims 2-4, 6, 9, 11, 15, 16, 19, 20, 34, 35, and 53-58 are currently pending in this application.

In the Final Office Action, the Examiner objected to claim 15 for depending from a canceled claim. Applicant submits that the Examiner's objection has been rendered moot by the cancellation of claim 15. Thus, Applicant asks the Examiner to withdraw this objection.

The Examiner also rejected claims 1-4, 8-16, 21-31, and 36-52 under 35 U.S.C. § 102(b) as being anticipated by Cadwell. While Applicant disagrees with the Examiner's rejection of these claims, in order to expedite prosecution and the allowance of the application, Applicant has canceled claims 10, 13, 21-31, and 36-52 without prejudice and has amended claims 2, 4, 8, 9, 11, 15, and 16 to depend from allowable claim 19, thereby rendering the rejection of these claims moot.

Applicant respectfully requests that this Amendment under 37 C.F.R. § 1.116 be entered by the Examiner, placing claims 2-4, 6, 9, 11, 15, 16, 19, 20, 34, 35, and 53-58 in condition for allowance. Applicant submits that the proposed amendment of claim 19,

made to correct a typographical error, and to claims 2, 4, 8, 9, 11, 15, and 16 does not raise new issues or necessitate the undertaking of any additional search of the art by the Examiner, since all of the elements and their relationships claimed were either earlier claimed or inherent in the claims as examined. Therefore, this Amendment should allow for immediate action by the Examiner.

Furthermore, Applicant respectfully points out that the final action by the Examiner presented some new arguments as to the application of the art against Applicant's invention. It is respectfully submitted that the entering of the Amendment would allow the Applicant to reply to the final rejections and place the application in condition for allowance.

Finally, Applicant submits that the entry of the amendment would place the application in better form for appeal, should the Examiner dispute the patentability of the pending claims.

In view of the foregoing remarks, Applicant submits that this claimed invention, as amended, is neither anticipated nor rendered obvious in view of the prior art references cited against this application. Applicant therefore requests the entry of this Amendment, the Examiner's reconsideration and reexamination of the application, and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to Deposit Account 06-0916.

Respectfully submitted,

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